

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:04-cr-00092-MR**

UNITED STATES OF AMERICA,)

)

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vs.)

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JEREMY LUJAN AIKEN.)

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ORDER

THIS MATTER is before the Court on the Defendant’s “Motion for Reconsideration of Denials Pursuant to 706 and 750 Sentencing Modifications, Pursuant to the Fair Sentencing Act of 2010” [Doc. 99].

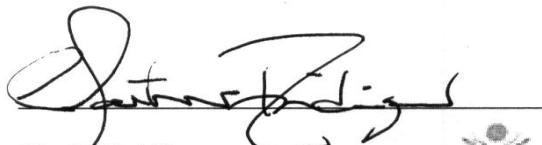
On July 31, 2009, this Court denied the Defendant’s motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 706 to the Sentencing Guidelines with regard to crack cocaine offenses. [See Doc. 72]. On August 13, 2012, this Court denied the Defendant’s motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 750 to the Sentencing Guidelines with regard to crack cocaine offenses. [See Doc. 94]. The Fourth Circuit Court of Appeals has affirmed the denial of both of these motions. [See Docs. 83, 97].

In both instances, the Court denied the Defendant's motion for a sentence reduction based on the fact that the Guideline Amendments at issue have no impact on the Defendant's Guideline calculations or sentencing range due to the fact that he is classified as a Career Offender. There is nothing in the Defendant's present motion that would alter this analysis.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion for Reconsideration of Denials Pursuant to 706 and 750 Sentencing Modifications, Pursuant to the Fair Sentencing Act of 2010" [Doc. 99] is **DENIED**.

IT IS SO ORDERED.

Signed: March 30, 2013



Martin Reidinger
United States District Judge

